

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

**IN RE GOOGLE INC. COOKIE
PLACEMENT CONSUMER PRIVACY
LITIGATION**

Case No. 12-MD-2358 (SLR)

**This Document Relates to:
ALL ACTIONS**

PROPOSED ORDER

Plaintiffs have filed their Motion for Order Regarding Powers and Responsibilities of Plaintiffs' Appointed Counsel. The Court finds that such motion should be granted. Appointed Counsel are as follows:

(a) An Executive Committee consisting of:

- (i) Stephen G. Grygiel of Keefe Bartels, LLC;
- (ii) James Frickleton of Bartimus, Frickleton, Robertson & Gorny, P.C.;
- and
- (iii) Brian R. Strange of Strange & Carpenter

(b) A Plaintiffs' Steering Committee consisting of:

- (i) David Straite, of the firm Kaplan Fox & Klisheimer LLP;
- (ii) Jonathan Shub, of the firm Seeger Weiss LLP;
- (iii) Barry Eichen, of the firm Eichen, Crutchlow, Zaslow & McElroy,
LLP;
- (iv) William "Billy" Murphy, of the firm Murphy, P.A.;
- (v) Mark Bryant, of the firm The Bryant Law Center, PSC; and

(vi) Jay Barnes, of the firm Barnes & Associates.

(c) Liaison Counsel:

(i) Finger & Slanina, LLC

The responsibilities, powers and functions of the appointed counsel shall be as follows:

1. *Plaintiffs' Lead Counsel.* The Executive Committee shall serve as Plaintiffs' lead counsel and shall be generally responsible for coordinating the activities of plaintiffs during pretrial proceedings and shall:

(a) determine (after such consultation with other members of Plaintiffs' Steering Committee and other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the court and opposing parties the position of the plaintiff on all matters arising during pretrial proceedings;

(b) coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

(c) conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;

(d) delegate specific tasks to other counsel or committees of counsel, as authorized by the court, in a manner to ensure that pretrial preparation for the plaintiffs is conducted efficiently and effectively;

(e) enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

(f) prepare and distribute periodic status reports to the parties;

(g) maintain adequate time and disbursement records covering services as lead Counsel and the Plaintiff's Steering Committee;

(h) monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and

(i) perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of the court. Counsel for plaintiffs who disagree with lead counsel (or those acting on behalf of lead counsel) or who have individual or divergent positions may present written and oral arguments, conduct examinations of deponents, and otherwise act separately on behalf of their clients as appropriate, provided that in doing so they do not repeat arguments, questions, or actions of lead counsel.

2. *Plaintiffs' Liaison Counsel.* Plaintiffs' liaison counsel shall:

(a) maintain and distribute to co-counsel and to defendants' liaison counsel an up-to-date service list;

(b) receive and, as appropriate, distribute to co-counsel orders from the court;

(c) maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available through the Court's electronic filing system or at a document depository; and

3. *Plaintiffs' Steering Committee.* The members of plaintiffs' steering committee shall from time to time consult with plaintiffs' lead and liaison counsel in coordinating the plaintiffs' pretrial activities and in planning for trial.

4. *Privileges Preserved.* No communication among plaintiffs' counsel or among defendants' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

Dated:

United States District Judge